

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMIE WALKER,

Plaintiff,

-against-

MOLLY GEORGE, NURSE; FAIZ CHEEMA,
DOCTOR PSYCHIATRIST; MARGA
GORDON, LAWYER; BEATRICE
AUGUSTIN, NURSE; KERCIUS JEAN, TECH
STAFF,

Defendants.

21-CV-6070 (KMK)

ORDER OF SERVICE

KENNETH M. KARAS, United States District Judge:

Plaintiff, who is a patient in the Rockland Psychiatric Center, brings this pro se action under 42 U.S.C. § 1983, alleging that Defendants failed to protect him from other patients. By order dated August 17, 2021, the Court granted Plaintiff's request to proceed without prepayment of fees, that is, in forma pauperis ("IFP"). (Dkt. No. 5.)

DISCUSSION

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service. *See Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) ("The officers of the court shall issue and serve all process . . . in [IFP] cases."); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP). Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that summonses and the complaint be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have served summonses and the complaint until the Court reviewed the complaint and ordered that a summons be issued. The Court therefore extends the time to serve until 90 days after the date

summonses are issued. If the complaint is not served within that time, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff's responsibility to request an extension of time for service); *see also Murray v. Pataki*, 378 F. App'x 50, 52 (2d Cir. 2010) ("As long as the [plaintiff proceeding IFP] provides the information necessary to identify the defendant, the Marshals' failure to effect service automatically constitutes 'good cause' for an extension of time within the meaning of Rule 4(m).").

To allow Plaintiff to effect service on Defendants Molly George, Marga Gordon, Faiz Cheema, Beatrice Augustin, and Kercius Jean through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form ("USM-285 form") for each of these defendants. The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon the defendants.

Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.

CONCLUSION

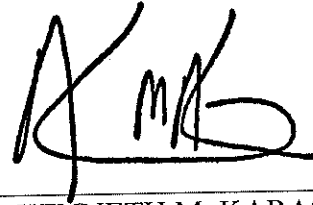
The Clerk of Court is directed to mail a copy of this order to Plaintiff, together with an information package.

The Clerk of Court is further instructed to issue summonses, complete the USM-285 forms with the addresses for Molly George, Marga Gordon, Faiz Cheema, Beatrice Augustin, and

Kercius Jean, and deliver to the U.S. Marshals Service all documents necessary to effect service on these defendants.

SO ORDERED.

Dated: September 8, 2021
White Plains, New York

A handwritten signature in black ink, appearing to read 'KMK', is written over a horizontal line.

KENNETH M. KARAS
United States District Judge

DEFENDANTS AND SERVICE ADDRESSES

1. Nurse Molly George
Rockland Psychiatric Center
140 Old Orangeburg Rd.
Building 58, Unit 504
Orangeburg, NY 10962
2. Marga Gordon
New York State Justice Center for Protection of People with Special Needs
c/o Rockland Psychiatric Center
140 Old Orangeburg Rd.
Building 1
Orangeburg, NY 10962
3. Dr. Faiz Cheema
Rockland Psychiatric Center
140 Old Orangeburg Rd.
Building 58, Unit 504
Orangeburg, NY 10962
4. Nurse Beatrice Augustin
Rockland Psychiatric Center
140 Old Orangeburg Rd.
Building 58, Unit 504
Orangeburg, NY 10962
5. Kercius Jean
Rockland Psychiatric Center
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Orangeburg, NY 10962